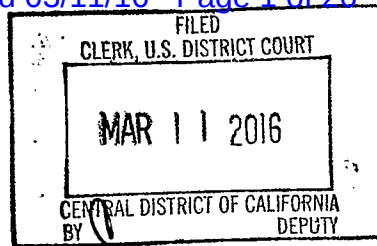


Dominique Jackson
#62439-019
FCI-FORT WORTH
Post Office Box 15330
Fort Worth, Texas [76119]
Plaintiff



UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

DOMINIQUE JACKSON,

Plaintiff,

v.

MIDLAND FUNDING,

Defendant(s).

CV16-1702-GW(AJWx)
Case No.

CIVIL COMPLAINT

JURISDICTION

A.

1. This is an action for injuries and damages for violation(s) of the provisions of the Fair Debt Collections Practices Act ("FDCPA") 15 U.S.C. §1692 et. seq.; The Fair Credit Reporting Act ("FCRA") Sect. 623; 1681, et. seq.; Negligent enablement of identity theft and fraud; and Defamation. The Jurisdiction of this Court is invoked under 15 U.S.C. "FDCPA" §1692 et. seq.; "FCRA"; and 28 U.S.C. §§ 1331, 1336.

a. The Plaintiff is an individual residing in and a citizen of the State of Texas;

b. The Defendant is a Corporation organized and existing under the Laws of the State of California, with its principle place of business in San Diego, California; and the Defendant may have other places of business through out the United States;

B.

DEFINITIONS

2. The Plaintiff, Dominique Jackson, is a "Consumer" as defined by 15 U.S.C. §1692a(3), as "any natural person obligated or allegedly obligated to pay any debt".

3. The Defendant, MIDLAND FUNDING, is a "Debt Collector" as defined by 15 U.S.C. §1692a(6) as "any person who uses any instrumentality of interstate commerce or the mails in any business the principle purposes of which is the collection of any Debts, or who regularly collects or attempts to collect, directly or indirectly, any Debts owed or due or asserted to be owed or due another".

a. Defamation: The act of harming the reputation of another by making a false statement to a third person. See Black's Law Dictionary, Eighth Edition. Pg. 448

b. Negligent: Characterized by a person's failure to exercise the degree of care that someone of ordinary prudence would have exercised in the same circumstance. See Black's Law Dictionary, Eighth Edition. Pg. 1061.

c.

CAUSE OF ACTION

4. On or about July 13, 2015, Plaintiff obtained a copy of his credit report from "Experian", which revealed that "MIDLAND FUNDING", ("Defendant") had placed an entry on Plaintiff's credit report which communicated that Plaintiff allegedly had an account in default with the Defendant in the amount of \$243.00. See "Exhibit A".

5. On January 4, 2015, Defendant took receipt of Plaintiff's "Notice of Administrative Remedy" and "Identity Theft-Fraud Alert Notice", requesting Defendant validate the alleged debt within 30 days, pursuant to the "FDCPA", 15 U.S.C. §§ 1692g(a) and 1692g(b), through certified

1 mail receipt No. 70103090000216206180, which is attached as "Exhibit B".

2 It should be noted that Defendant refused or failed to respond to
3 Plaintiff's validation request and Identity Theft Notice. Furthermore,
4 the Plaintiff sent an additional letter of Notice and Demand to the
5 Defendants place of business on February 9, 2016, for resolution of
6 matter and opportunity to cure within three (3) days, through certified
7 Mail receipt No. 70103090000216206265; wherein Defendant failed or
8 refused to acknowledge said Notice and Demand as well. See "Exhibit C".

9 D.

10 LEGAL CLAIMS

11 CLAIM ONE

12 6. Plaintiff asserts that the Defendant(s) violated 15 U.S.C.
13 §1692e(2)(A) of the "FDCPA" and also "FCRA" §623, when he reported to
14 Experian Information Solutions, Equifax Information Services, and Trans
15 Union Corp., that Plaintiff is in default with the Defendant in the
16 amount of \$243.00. See "Exhibit A".

17 E.

18 CLAIM TWO

19 7. Plaintiff asserts that Defendant violated 15 U.S.C. §1692e(8) of
20 the "FDCPA", when he communicated false information concerning the
21 alleged debt that Plaintiff "never" owed to the Defendant. The alleged
22 debt has "Never" been validated, per Plaintiff's request pursuant to
23 "FDCPA" and "FCRA".

24 8. The Defendant MIDLAND FUNDING, never had a valid claim against
25 Plaintiff authorizing them to pursue and report to Credit reporting
26 Bureau's any alleged debts associated with the Plaintiff. The Plaintiff
27 asserts that the Defendant(s) are in violation of "FCRA" §§ 623; 1681
28 et. seq., the Defendant never notified Plaintiff within 30 days or after

1 30 days of any alleged default prior to placing said delinquent debt
2 account on Plaintiff's credit reports.

3 F.

4 CLAIM THREE

5 9. Plaintiff asserts that Defendant violated 15 U.S.C. §1692e(10) of
6 the "FDCPA" when he used false and deceptive means to collect a Debt
7 from the Plaintiff. By communicating false information, the Defendant
8 attempted to gain an advantage of an unsophisticated Consumer through
9 the false misrepresentation.

10 G.

11 CLAIM FOUR

12 10. Plaintiff asserts that Defendant caused a injury of defamation
13 and damage to the Plaintiff, when he communicated a debt delinquent
14 account and notice for Collections, to the three major credit reporting
15 Bureau's, that Plaintiff owed the Defendant a debt. There was and is
16 "No" legal contract signed by the Plaintiff and Defendant to do business
17 or to have done business.

18 H.

19 CLAIM FIVE

20 11. Plaintiff asserts that Defendant caused injury to the Plaintiff,
21 by the Defendant(s) actions of Neligence which caused an enablement of
22 identity theft and fraud upon the Plaintiff. By the Defendant(s)
23 unwillingness to cooperate with the Plaintiff, when Plaintiff contacted
24 Defendant with Notice. The Defendant had a duty and a opportunity to
25 respond to the Plaintiff's request for validation and Notice of identity
26 theft alert notification. Inwhich, the Defendant failed or refused to
27 respond to the Plaintiff's correspondence. Notice to Agent is Notice to
28 Principle, Notice to Principle is Notice to Agent.

I.

CLAIM SIX

12. Plaintiff asserts that Defendant violated 15 U.S.C. §1692b(b) of the "FDCPA" when he refused to respond to Plaintiff's validation request. Defendant took receipt of Plaintiff's "Notice of Administrative Remedy" and "Notice of Identity theft/fraud alert", wherein Plaintiff requested that Defendant provide certain pertinent information to verify the alleged debt with documentation that would give MIDLAND FUNDING, the legal right to pursue and report to credit reporting Bureau's, any alleged debts associated with the Plaintiff. Defendant took receipt of Plaintiff's request for validation request and Notice of identity theft/fraud alert, through certified mail receipt No. 70103090000216206180, which is attached as "Exhibit B". The defendant MIDLAND FUNDING, failed or refused to communicate with Plaintiff regarding the identity theft/fraud notice, and debt validation request; the defendant also failed or refused to respond to the notice and demand, with an opportunity to cure the matter, through certified mail receipt No. 70103090000216206265. The Defendant failed to show a right to report to the credit reporting Bureau's any alleged debt against the Plaintiff, the Defendant(s) are in violation of 15 U.S.C. §1692g(b).

J.

RELIEF REQUESTED FOR DAMAGES

13. Plaintiff is entitled to damages in the amount pursuant to 15 U.S.C. §1692k, which states in part:

Civil Liability - (a) Amount of damages
Except as otherwise prohibited by this section,
any debt collector who fails to comply with
any provision of this Title [15 USCS §§ 1692
et. seq.] with respect to any person is liable
to such person in the amount equal to sum of:
(2)(A) in the case of any action by individual,
such additional damages as the Court may allow,
but not exceeding \$1,000.00

1 K.

2 DAMAGES COMPUTED AS FOLLOWS

3 \$1,000.00 x 3= \$3,000.00 -for violation of §1692e(2)(A), per the
4 reporting to three (3) credit reporting Agencies;

5 \$1,000.00 x 3= \$3,000.00 -for violation of §1692e(8), per the reporting
6 to each credit reporting Agency;

7 \$1,000.00 x 3= \$3,000.00 -for violation of §1692e(10), per the reporting
8 to each credit reporting Agency;

9 \$5,000.00 -for the injury of defamation caused to the
10 Plaintiff;

11 \$5,000.00 -for the injury caused to Plaintiff of Negilent
12 enablement of identity theft and fraud;

13 \$1,000.00 x 3= \$3,000.00 -for violation of §1692g(b), per the reporting
14 to each credit reporting Agencies.

15 \$1,000.00 x 3= \$3,000.00 -for violations of the "FCRA", per the
16 reporting to each credit reporting Agency.

17 **Punitive Damages in the amount of \$100,000.00**

18 *For a Total sum certain of \$125,000.00, plus cost of action.

19 L.

20 ADDITIONAL RELIEF REQUESTED

21 14. Demand for jury trial.

22 15. Any other relief that the Court may deem appropriate and just.

23 I, Dominique Jackson, hereby declare under penalty of perjury, that the
24 foregoing information stated above and any attachments to this form are
25 true and correct pursuant to 28 U.S.C. §1746.

26 Dated: this 25th day of February 2016 A.D.

27 Dominique S. Jackson

28 Dominique Jackson, Plaintiff

E X H I B I T " A "

0804437897

E X H I B I T " B "

English

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Tracking Number: 70103090000216206180

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt

See tracking for related item: 9590952106150082475398

Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
January 4, 2016 , 7:51 am	Delivered, Individual Picked Up at Postal Facility	SAN DIEGO, CA 92193
Your item was picked up at a postal facility at 7:51 am on January 4, 2016 in SAN DIEGO, CA 92193.		
January 2, 2016 , 7:27 am	Business Closed	SAN DIEGO, CA 92123
January 2, 2016 , 3:52 am	Arrived at Unit	SAN DIEGO, CA 92123
January 1, 2016 , 8:55 pm	Departed USPS Destination Facility	SAN DIEGO, CA 92199
December 31, 2015 , 10:19 am	Arrived at USPS Destination Facility	SAN DIEGO, CA 92199
December 29, 2015 , 11:01 pm	Departed USPS Facility	NTX P&DC
December 29, 2015 , 9:07 pm	Arrived at USPS Origin Facility	NTX P&DC
December 29, 2015 , 1:43 pm	Acceptance	DALLAS, TX 75219

Track Another Package

Tracking (or receipt) number

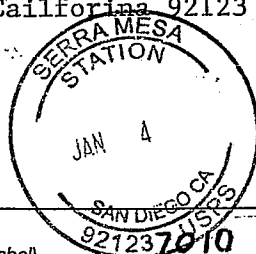
70103090000216206180

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIDLAND FUNDING
8875 Aero Drive, Suite 200
San Diego, California 92123



2. Article Number

(Transfer from carrier label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

D. Is delivery address different from item label? ☐ Yes ☒ No
If YES, enter delivery address below.



3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

E X H I B I T " C "

English

Customer Service

USPS Mobile

Register / Sign In



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* MIDLAND Funding
3 day Notice & Demand



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Tracking Number: 70103090000216206265

Updated Delivery Day: Friday, February 12, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
February 12, 2016 , 7:36 am	Delivered, Individual Picked Up at Postal Facility	SAN DIEGO, CA 92193

Your item was picked up at a postal facility at 7:36 am on February 12, 2016 in SAN DIEGO, CA 92193.

February 11, 2016 , 9:28 pm	Arrived at Unit	SAN DIEGO, CA 92123
February 11, 2016 , 5:35 pm	Departed USPS Facility	SAN DIEGO, CA 92199
February 11, 2016 , 10:48 am	Arrived at USPS Facility	SAN DIEGO, CA 92199
February 9, 2016 , 11:03 pm	Departed USPS Facility	NTX P&DC
February 9, 2016 , 8:35 pm	Arrived at USPS Facility	NTX P&DC

Track Another Package

Tracking (or receipt) number

70103090000216206265

Track It

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DEFINITIONS

2. The Plaintiff, Dominique Jackson, is a "Consumer" as defined by 15 U.S.C. §1692a(3), as "any natural person obligated or allegedly obligated to pay any debt".

3. The Defendant, MIDLAND FUNDING, is a "Debt Collector" as defined by 15 U.S.C. §1692a(6) as "any person who uses any instrumentality of interstate commerce or the mails in any business the principle purposes of which is the collection of any Debts, or who regularly collects or attempts to collect, directly or indirectly, any Debts owed or due or asserted to be owed or due another".

a. Defamation: The act of harming the reputation of another by making a false statement to a third person. See Black's Law Dictionary, Eighth Edition. Pg. 448

b. Negligent: Characterized by a person's failure to exercise the degree of care that someone of ordinary prudence would have exercised in the same circumstance. See Black's Law Dictionary, Eighth Edition. Pg. 1061.

c.

CAUSE OF ACTION

4. On or about July 13, 2015, Plaintiff obtained a copy of his credit report from "Experian", which revealed that "MIDLAND FUNDING", ("Defendant") had placed an entry on Plaintiff's credit report which communicated that Plaintiff allegedly had an account in default with the Defendant in the amount of \$243.00. See "Exhibit A".

5. On January 4, 2015, Defendant took receipt of Plaintiff's "Notice of Administrative Remedy" and "Identity Theft-Fraud Alert Notice", requesting Defendant validate the alleged debt within 30 days, pursuant to the "FDCPA", 15 U.S.C. §§ 1692g(a) and 1692g(b), through certified

1 mail receipt No. 70103090000216206180, which is attached as "Exhibit B".
2 It should be noted that Defendant refused or failed to respond to
3 Plaintiff's validation request and Identity Theft Notice. Furthermore,
4 the Plaintiff sent an additional letter of Notice and Demand to the
5 Defendants place of business on February 9, 2016, for resolution of
6 matter and opportunity to cure within three (3) days, through certified
7 Mail receipt No. 70103090000216206265; wherein Defendant failed or
8 refused to acknowledge said Notice and Demand as well. See "Exhibit C".

9 D.

10 LEGAL CLAIMS

11 CLAIM ONE

12 6. Plaintiff asserts that the Defendant(s) violated 15 U.S.C.
13 §1692e(2)(A) of the "FDCPA" and also "FCRA" §623, when he reported to
14 Experian Information Solutions, Equifax Information Services, and Trans
15 Union Corp., that Plaintiff is in default with the Defendant in the
16 amount of \$243.00. See "Exhibit A".

17 E.

18 CLAIM TWO

19 7. Plaintiff asserts that Defendant violated 15 U.S.C. §1692e(8) of
20 the "FDCPA", when he communicated false information concerning the
21 alleged debt that Plaintiff "never" owed to the Defendant. The alleged
22 debt has "Never" been validated, per Plaintiff's request pursuant to
23 "FDCPA" and "FCRA".

24 8. The Defendant MIDLAND FUNDING, never had a valid claim against
25 Plaintiff authorizing them to pursue and report to Credit reporting
26 Bureau's any alleged debts associated with the Plaintiff. The Plaintiff
27 asserts that the Defendant(s) are in violation of "FCRA" §§ 623; 1681
28 et. seq., the Defendant never notified Plaintiff within 30 days or after

1 30 days of any alleged default prior to placing said delinquent debt
2 account on Plaintiff's credit reports.

3 F.

4 CLAIM THREE

5 9. Plaintiff asserts that Defendant violated 15 U.S.C. §1692e(10) of
6 the "FDCPA" when he used false and deceptive means to collect a Debt
7 from the Plaintiff. By communicating false information, the Defendant
8 attempted to gain an advantage of an unsophisticated Consumer through
9 the false misrepresentation.

10 G.

11 CLAIM FOUR

12 10. Plaintiff asserts that Defendant caused a injury of defamation
13 and damage to the Plaintiff, when he communicated a debt delinquent
14 account and notice for Collections, to the three major credit reporting
15 Bureau's, that Plaintiff owed the Defendant a debt. There was and is
16 "No" legal contract signed by the Plaintiff and Defendant to do business
17 or to have done business.

18 H.

19 CLAIM FIVE

20 11. Plaintiff asserts that Defendant caused injury to the Plaintiff,
21 by the Defendant(s) actions of Negligence which caused an enablement of
22 identity theft and fraud upon the Plaintiff. By the Defendant(s)
23 unwillingness to cooperate with the Plaintiff, when Plaintiff contacted
24 Defendant with Notice. The Defendant had a duty and a opportunity to
25 respond to the Plaintiff's request for validation and Notice of identity
26 theft alert notification. Inwhich, the Defendant failed or refused to
27 respond to the Plaintiff's correspondence. Notice to Agent is Notice to
28 Principle, Notice to Principle is Notice to Agent.

I.

CLAIM SIX

12. Plaintiff asserts that Defendant violated 15 U.S.C. §1692b(b) of the "FDCPA" when he refused to respond to Plaintiff's validation request. Defendant took receipt of Plaintiff's "Notice of Administrative Remedy" and "Notice of Identity theft/fraud alert", wherein Plaintiff requested that Defendant provide certain pertinent information to verify the alleged debt with documentation that would give MIDLAND FUNDING, the legal right to pursue and report to credit reporting Bureau's, any alleged debts associated with the Plaintiff. Defendant took receipt of Plaintiff's request for validation request and Notice of identity theft/fraud alert, through certified mail receipt No. 70103090000216206180, which is attached as "Exhibit B". The defendant MIDLAND FUNDING, failed or refused to communicate with Plaintiff regarding the identity theft/fraud notice, and debt validation request; the defendant also failed or refused to respond to the notice and demand, with an opportunity to cure the matter, through certified mail receipt No. 70103090000216206265. The Defendant failed to show a right to report to the credit reporting Bureau's any alleged debt against the Plaintiff, the Defendant(s) are in violation of 15 U.S.C. §1692g(b).

J.

RELIEF REQUESTED FOR DAMAGES

13. Plaintiff is entitled to damages in the amount pursuant to 15 U.S.C. §1692k, which states in part:

Civil Liability - (a) Amount of damages
Except as otherwise prohibited by this section,
any debt collector who fails to comply with
any provision of this Title [15 USCS §§ 1692
et. seq.] with respect to any person is liable
to such person in the amount equal to sum of:
(2)(A) in the case of any action by individual,
such additional damages as the Court may allow,
but not exceeding \$1,000.00

K.

DAMAGES COMPUTED AS FOLLOWS

\$1,000.00 x 3= \$3,000.00 -for violation of §1692e(2)(A), per the reporting to three (3) credit reporting Agencies;

\$1,000.00 x 3= \$3,000.00 -for violation of §1692e(8), per the reporting to each credit reporting Agency;

\$1,000.00 x 3= \$3,000.00 -for violation of §1692e(10), per the reporting to each credit reporting Agency;

\$5,000.00 -for the injury of defamation caused to the Plaintiff;

\$5,000.00 -for the injury caused to Plaintiff of Negilient enablement of identity theft and fraud;

\$1,000.00 x 3= \$3,000.00 -for violation of §1692g(b), per the reporting to each credit reporting Agencies.

\$1,000.00 x 3= \$3,000.00 -for violations of the "FCRA", per the reporting to each credit reporting Agency.

Punitive Damages in the amount of \$100,000.00

***For a Total sum certain of \$125,000.00, plus cost of action.**

L.


ADDITIONAL RELIEF REQUESTED

14. Demand for jury trial.

15. Any other relief that the Court may deem appropriate and just.

I, Dominique Jackson, hereby declare under penalty of perjury, that the foregoing information stated above and any attachments to this form are true and correct pursuant to 28 U.S.C. §1746.

Dated: this 25 day of February 2016 A.D.



Dominique Jackson, Plaintiff

E X H I B I T " A "

0804437897

E X H I B I T " B "

English

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Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Return Receipt

See tracking for related item: 9590952106150082475398

Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
January 4, 2016 , 7:51 am	Delivered, Individual Picked Up at Postal Facility	SAN DIEGO, CA 92193

Your item was picked up at a postal facility at 7:51 am on January 4, 2016 in SAN DIEGO, CA 92193.

January 2, 2016 , 7:27 am	Business Closed	SAN DIEGO, CA 92123
January 2, 2016 , 3:52 am	Arrived at Unit	SAN DIEGO, CA 92123
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December 29, 2015 , 11:01 pm	Departed USPS Facility	NTX P&DC
December 29, 2015 , 9:07 pm	Arrived at USPS Origin Facility	NTX P&DC
December 29, 2015 , 1:43 pm	Acceptance	DALLAS, TX 75219

Track Another Package

Tracking (or receipt) number

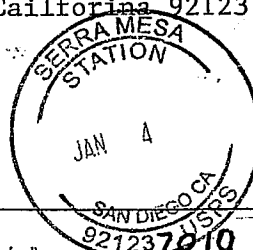
70103090000216206180

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIDLAND FUNDING
8875 Aero Drive, Suite 200
San Diego, California 92123



2. Article Number

(Transfer from carrier label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

D. Is delivery address different from item label?
If YES, enter delivery address below



3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

E X H I B I T " C "

English

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* MIDLAND Funding
3 day Notice & Demand



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Tracking Number: 70103090000216206265

Updated Delivery Day: Friday, February 12, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

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Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
February 12, 2016 , 7:36 am	Delivered, Individual Picked Up at Postal Facility	SAN DIEGO, CA 92193
Your item was picked up at a postal facility at 7:36 am on February 12, 2016 in SAN DIEGO, CA 92193.		
February 11, 2016 , 9:28 pm	Arrived at Unit	SAN DIEGO, CA 92123
February 11, 2016 , 5:35 pm	Departed USPS Facility	SAN DIEGO, CA 92199
February 11, 2016 , 10:48 am	Arrived at USPS Facility	SAN DIEGO, CA 92199
February 9, 2016 , 11:03 pm	Departed USPS Facility	NTX P&DC
February 9, 2016 , 8:35 pm	Arrived at USPS Facility	NTX P&DC

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Tracking (or receipt) number

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Dominique Jackson
#62439-019
Federal Correctional Institution
FCI-FORT WORTH
Post Office Box 15330
Fort Worth, Texas 76119



CN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
LOS ANGELES, CA 90012-4797



LEGAL MAIL

Federal Criminal Institute

333 1st St. Rd.

Box 5476

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